

STATEMENT OF STATUS AND SUPPORT.

STATUS OF THE CLAIMS:

Claims 32-50, 60-68, 83 and 86 are currently pending in the application.

Claims 1-19 were issued in the '231 patent. The claims 1-19 are cancelled without prejudice. New claims 32-50, 60-68, 83 and 86 are currently pending in the application. Claims 32, 41 and 60 were amended.

SUPPORT OF CLAIM CHANGES:

Applicants have made amendments to claims 32, 41 and 60. The amendment changes and the support for these amendments is shown below coupled with the claim mapping to the claims in the patent, as requested by the examiner.

REMARKS

LITIGATION UPDATE:

A copy is provided in a SUPPLEMENTAL LITIGATION NOTIFICATION, pursuant to 37 C.F.R. 1.178(b), filed herewith, of a stipulated dismissal of Promontory Interfinancial Network LLC and MSBC Securities Corporation from the suit Island Intellectual Property LLC, et al., v. Promontory Interfinancial Network, LLC, MBSC Securities Corporation, Deutsche Bank AG, Deutsche Bank Trust Company Americas, and Total Bank Solutions, LLC.

A copy is also provided of a stipulated dismissal of Deutsche Bank AG from the suit Island Intellectual Property LLC, et al., v. Deutsche Bank AG, Deutsche Bank Trust Company Americas, and Total Bank Solutions, LLC.

SECTION 112 REJECTION AND RESPONSE:

SECTION 112 REJECTION, 1ST PARAGRAPH: **Claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 112, first paragraph, regarding written description and the examiner's request for an explanation of the basis for the first and second financial institutions. This rejection is respectfully traversed and reconsideration thereof is requested**

Regarding the basis for the first and second financial institutions in applicants' specification, it is stated that in one embodiment, the administrator that performs the various function of the process is a "bank." See column 2, lines 36-43 of US Patent No. 6,374,231. The administrator in the claims comprises the "first banking institution." The "second banking institution" comprises the bank holding the single insured money market deposit account, referenced in Fig. 2 as bank 145 and discussed at least at column 3, lines 9-10, column 4, lines 29-67, and column 5, lines 15-30. Note that it is clear from applicants' specification that the administrator/first banking institution and the bank holding the aggregated account are different entities. See, for example, the following quotations from the specification:

The present system will be described with reference to an administrator, which can be brokerage, a bank, or another entity with which clients can institute financial transactions such as deposits and demand payments. **(Column 2, lines 36-38)**

FIGS. 1 and 2 show flowchart depicting certain processing steps the system follows at the administrator's end. **(Column 3, lines 9-10)**

The net account activity determination 135 is then used to determine a net credit/debit 139 for the single deposit account held at the bank that contains all of the funds of all of the administrator's clients; . . . **(Column 4, lines 29-32)**

See also the fund transfer operation between the administrator and the bank 145, showing that the administrator operation is separate from the bank 145.

The information from the calculations of a net credit/debit 139 are used to implement the processing of the actual deposit or withdrawal (141, 143) to the deposit account, and that information (and funds, if required) is sent to the bank

145 to execute the actual deposit or withdrawal required.
(Column 4, lines 55-59)

The payment transfer between the bank 145 and the administrator again shows that the administrator is not the bank holding the single insured deposit account.

The bank pays interest 149 on the single deposit account to the administrator. **(column 5, lines 15-16)** [[This shows that the administrator is not the bank 145.]]

The administrator may allow a client with an account under the present system to access his funds by check or with a debit card; in such a case, the administrator has arranged for these services and maintains these relationships which are separate and apart from the deposit account. Banks that provide check and card services will transmit a file each day to the administrator that contains the checks presented for payment and/or the debit card transactions. The transactions that apply to his account under the present system are out sorted and processed against the administrator's database. The administrator will settle with each bank for the transactions that were processed. **(Column 5, lines 52-63)**

SECTION 112 REJECTION, 2ND PARAGRAPH: **Claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 112, second paragraph, for indefiniteness, relating to the “one or more computers,” the movement of the funds, and the data exchange. This rejected is obviated in view of the following amendments and comments.**

The phrase “one or more computers” could be implemented by a single computer, or could be implemented by multiple processors or devices that are logically connected by one or more networks. The claimed recitation has been amended to fix possible antecedent basis issues and clarify that it is the same set of computers. Note that each step may be performed by one of the computers within the set of one or more computers. Alternatively, each different step in the method may be performed by the same or a different computer within the set of one or more computers.

Regarding the movement of funds query by the examiner, the movement of funds as a result of the net transaction determination is claimed in the claim element “depositing funds”

to or withdrawing funds from a single insured money market deposit account at a second banking institution based on the net transaction,”

Regarding the second banking institution receiving data pertaining to the determination of the net transaction, an amendment adding the limitation “sending information on the net transaction to the second banking institution to execute a deposit or a withdrawal” has been made to the independent claim 32. Similar limitations are found in independent claim 41 and 60. The basis for the added claim element may be found at least at column 4, lines 55-59 of applicants’ patent specification. Note that the second banking institution does not need to receive any data from the first banking institution relating to the debits and credits being applied to the individual client transaction accounts of the individual clients and making up the net amount.

The examiner requested a claim mapping of elements of the new claims to the original patent claims and an explanation of support for differences. The mapping and explanation follow.

CLAIM MAPPING AND STATEMENT OF SUPPORT:

Applicants have made amendments to claims 32, 41 and 60.

The amendments to independent claims 32, 41 and 60 are shown with only the current additions underlined and strike-out for deletions relative to the last amendment to illustrate the changes for those changes. The basis in the specification for the claim limitations is set forth.

32. (New) A method for managing a plurality of transaction accounts for multiple clients, comprising: **[[See at least column 1, lines 5-8, column 2, lines 9-13 and claims 7 and 16 of the ‘231 patent.]]**

providing a database having client information for each of the plurality of transaction accounts; **[[Same as the providing a database limitation in claim 1.]]**

administering by one or more computers clients' deposits to and withdrawals from each of their transaction accounts through a first banking institution, the administering comprising processing, by the one or more computers, transaction data comprising data for each of more than six (6) withdrawals and/or transfers by check and/or debit card and/or ACH debit within a month from each of a plurality of said client transaction accounts, with the transaction data comprising a respective amount for each respective withdrawal and/or transfer; **[[The administering operation is in the patent claim 1, but the performance of this operation by one or more computer has been added, and the operation through a first banking institution has been added and the computer operation of processing more than 6 withdrawals from each of a plurality of client transaction accounts has been added. For basis in the specification for the computer operation, see at least column 2, line 51 – column 3, lines 1-9 in applicants' specification, and see also claims 4 and 7 of the patent. Regarding the "first banking institution," it is stated that in one embodiment the administrator that performs the various function of the process is a "bank." See column 2, lines 36-43. See also the earlier citations showing that the administrator bank is different from the deposit bank 145 holding the aggregated account. For basis for the more than 6 withdrawals processing, see at least column 1, lines 35-63, column 2, lines 1-8, column 3, lines 13-18, 23-28 and 38-63, column 2, lines 1-8 and Fig. 1 of applicants' '231 patent specification.]]**

determining by the one or more computers a net transaction aggregated across all said transaction account deposits and transaction account withdrawals on a regular periodic basis, with each net transaction comprising a sum determined from the data of a plurality of clients' deposits and/or transfers to and/or withdrawals and/or transfers from a plurality of said respective client transaction accounts of a plurality of the clients; **[[See the transaction determining limitation as in claim 1. For basis in the specification for performance of the step by one or more computers, see at least column 2, line 51 – column 3, line 9, and column 4, lines 17-20 in applicants' specification. For basis for the additional language regarding the sum determined from the data of a plurality of clients' deposits and/or transfers to and/or withdrawals and/or transfers, see at least at column 3, lines 13-67 and column 4, lines 17-20 of applicants' patent specification.]]**

sending information based on the net transaction to a second banking institution holding a single insured money market deposit account to execute a deposit or a withdrawal from the single insured money market deposit account; **[[The basis for the added claim element may be found at least at column 4, lines 55-59 of applicants' '231 patent specification.]]**

depositing funds to or withdrawing funds from the a-single insured money market deposit account at the [a] second banking institution based on the information on the net transaction, with the withdrawing funds comprising withdrawing funds from the single insured money market deposit account at the second banking institution more than six (6) times during a month and transferring the funds to the first banking institution; **[[See at least the “using the determination of the net transaction” step in claim 1 of the patent. As stated previously, the added limitation of withdrawing more than six times during a month, can be found at least at column 1, lines 41-53 and column 2, lines 1-8. The “second banking institution” comprises the bank holding the single insured money market deposit account, referenced in Fig. 2 as bank 145, and discussed at least at column 4, lines 29-67, and column 5, lines 15-30. The basis for the added claim element on “information data” may be found at least at column 4, lines 55-59 of applicants’ patent specification. The word “the” replaces “a,” as antecedent basis is already present for the 2nd banking institution.]]**

obtaining data for an amount of receiving by one or more computers interest from the second banking institution on funds held in said single insured money market deposit account; **[[See column 5, lines 15-22 of the ‘231 patent regarding the interest limitation. The “second banking institution” comprises the bank holding the single insured money market deposit account, referenced in Fig. 2 as bank 145 and discussed at least at column 4, lines 29-67, and column 5, lines 15-30. The limitation was changed to an “obtaining” step in place of a receiving step, to encompass both the situation where data on the interest amount and the interest are received, and also the situation where only the data for the interest amount is received, and the interest is provided via an indirect route.]]**

determining, via the one or more computers, a respective amount of interest owed to each of the respective client transaction accounts as a function of a total amount of funds from the client transaction account held in the single insured money market deposit account at the second banking institution; **[[For basis for the determining operation, see at least column 5, lines 15-30 of applicants' patent specification. For basis in the specification for the computer operation, see at least column 2, line 51 – column 3, lines 1-9 in applicants' specification, and see also claims 4 and 7 of the patent.]]**

distributing by crediting the client transaction accounts using the one or more computers the interest ~~from received on~~ said single insured money market deposit account to said client transaction accounts based on the respective amounts determined for the respective client transaction accounts; and **[[See at least the “distributing” limitation in claim 1 and column 5, lines 18-29 of the ‘231 patent and the “crediting or debiting” language at column 5, lines 31-33. For basis for the added language on respective amounts, see at least column 5, lines 15-30 of applicants' patent specification. For basis in the specification for the computer operation, see at least column 2, line 51 – column 3, lines 1-9 in applicants' specification, and see also claims 4 and 7 of the patent.]]**

updating by the one or more computers the database based on the interest ~~distributed to and~~ clients' deposits to and withdrawals from each of their transaction accounts. **[[See at least the “updating” step in claim 1 and column 5, lines 31-42 of the ‘231 patent. The reference to the interest updating has been deleted, as it is now encompassed by the “distributing” step. See column 5, lines 31-33. For basis in the specification for the computer operation, see at least column 2, line 51 – column 3, lines 1-9 in applicants' specification, and see also claims 4 and 7 of the patent.]]**

33. (New) The method of claim 32, wherein withdrawals are made by at least one method selected from the group consisting of drafts (checks), credit card, debit card, sweeps, electronic transfer, and combinations thereof. **[[See at least claim 2 of the ‘231 patent.]]**

34. (New) The method of claim 32, wherein deposits are made by at least one method selected from the group consisting of drafts (checks), sweeps, electronic transfers, and combinations thereof. **[[See at least claim 3 of the ‘231 patent.]]**

35. (New) The method of claim 32, further comprising authorizing or rejecting the use of funds in a particular client's transaction account for each demand payment requested from that client's transaction account. **[[See at least the “authorizing or rejecting” step in claim 1 of the ‘231 patent.]]**

36. (New) The method of Claim 32, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested in person. **[[See at least column 1, lines 53-58 of the ‘231 patent.]]**

37. (New) The method of Claim 32, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested by mail. **[[See at least column 1, lines 53-58 of the ‘231 patent.]]**

38. (New) The method of Claim 32, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested by messenger. **[[See at least column 1, lines 53-58 of the ‘231 patent.]]**

39. (New) The method of Claim 32, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested by telephone and distributed by mail. **[[See at least column 1, lines 53-58 of the ‘231 patent.]]**

40. (New) The method of Claim 32, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested by automated teller machine. **[[See at least column 1, lines 53-58 of the ‘231 patent.]]**

41. (New) A data processing method for tracking and managing a plurality of client transaction accounts via ~~in~~ a first banking institution and providing a return to each of said transaction accounts, the funds associated with said transaction accounts aggregated for deposit in a ~~an~~ single insured money market deposit account in a second banking institution,

said single insured money market deposit account providing a return on assets held therein, said method comprising: **[[See at least the preamble in claim 16.]]**

a. creating by one or more computers one or more transaction account memory ledgers for storing therein selected data for one or more of said plurality of client transaction accounts ~~through the first banking institution~~; **[[See at least the “creating” limitation in claim 16 of the patent. See also the description of the database at column 3, lines 38-45, column 4, lines 41-52, and column 5, lines 31-63. See column 2, line 51 – column 3, line 9, and claims 4 and 7 of the patent for the “one or more computers” limitation. Regarding the change with respect to the “first banking institution,” it is not required that the first banking institution create the ledgers.]]**

b. storing by one or more computers in said memory ledgers transaction account data including a current or periodic account balance as well as an identification of an account owner or beneficiary; **[[See at least the “storing” limitation and the “creating” limitation in claim 16 of the patent. See also the description of the database at column 3, lines 38-45, column 4, lines 41-52, and column 5, lines 31-63. See column 2, line 51 – column 3, line 9 and claims 4 and 7 of the patent for the “one or more computers” limitation.]]**

c. tracking and administering by one or more computers deposits to and withdrawals from each of said client transaction accounts through the first banking institution and adjusting the balance for each in response to such transactions, the administering comprising processing, by the one or more computers, transaction data comprising data for each of more than six (6) withdrawals and/or transfers by check and/or debit card and/or ACH debit within a month from each of a plurality of said client transaction accounts, with the transaction data comprising a respective amount for each respective withdrawal and/or transfer; **[[See at least the “tracking” limitation in claim 16 of the patent. See also the description of the database at column 3, lines 38-45, column 4, lines 41-52, and column 5, lines 31-63. The administering operation is in the original patent claim 1, but the performance of this operation by one or more computer has been added, and the operation through a first banking institution has been added and the computer operation of processing more than 6 withdrawals from each of a plurality of client transaction accounts has been**

added. See column 2, line 51 – column 3, line 9 and claims 4 and 7 of the patent for the “one or more computers” limitation. Regarding the “first banking institution,” it is stated that in one embodiment the administrator that performs the various functions of the process is a “bank.” See column 2, lines 36-43. See the earlier citations showing that the administrator bank is different from the deposit bank 145 holding the aggregated account. For basis for the more than 6 withdrawals processing, see at least column 1, lines 35-63, column 2, lines 1-8, column 3, lines 13-18, 23-28 and 53-63, of applicants’ ‘231 patent specification.]]

d. creating a single insured money market deposit account at the second banking institution in which funds from a plurality of said client transaction accounts are to be deposited;[[,]] **[[See at least the 2nd “creating” limitation in claim 16 of the patent. For the “second banking institution,” see at least the bank holding the single insured money market deposit account, referenced in Fig. 2 as bank 145 and discussed at least at column 4, lines 29-67, and column 5, lines 15-30.]]**

e. managing said single insured money market deposit account by **[[See at least the “managing” language in the 2nd “creating” limitation in claim 16 of the patent, and for the “money market deposit account limitation, see at least claims 1 and 4 and column 2, line 19 of the ‘231 patent.]]**

assessing by one or more computers the aggregate activity of said plural client transaction accounts for a respective period; and **[[See at least the 2nd “creating” limitation in claim 16 of the patent, and column 3, lines 13-67 and column 4, lines 17-20 and 29-34 of the specification. See column 2, line 51 – column 3, line 9 of the specification and claims 4 and 7 of the patent for the “one or more computers” limitation.]]**

calculating by one or more computers an asset adjustment to said single insured money market deposit account to permit adjustment of the amount held in said single insured money market deposit account, the adjustment to be performed by moving funds between the first banking institution and the single insured money market deposit account in the second banking institution, the asset adjustment comprising an aggregate transaction

value determined from the data of a plurality of clients' deposits and/or transfers to and/or withdrawals and/or transfers from a plurality of said respective client transaction accounts of a plurality of the clients; **[[See at least the “calculating” language in the 2nd “creating” limitation in claim 16 of the patent, and column 3, lines 63-67 and column 4, lines 29-34 of the specification. See column 2, line 51 – column 3, line 9 of the specification and claims 4 and 7 of the patent for the “one or more computers” limitation. For the “second banking institution,” see at least the bank holding the single insured money market deposit account, referenced in Fig. 2 as bank 145 and discussed at least at column 4, lines 29-67, and column 5, lines 15-30. Regarding the “first banking institution,” the ‘231 specification states that in one embodiment the administrator that performs the various function of the process is a “bank.” See column 2, lines 36-43. See the earlier citations showing that the administrator bank is different from the deposit bank 145 holding the aggregated account. For basis for the added language regarding the aggregated transaction value of the deposits and/or transfers to and/or withdrawals and/or transfers, see at least column 3, lines 13-67 and column 4, lines 17-20 and 29-34 of applicants’ patent specification.]]**

sending information based on the asset adjustment to implement a withdrawal of funds from the single insured money market deposit account more than six (6) times during a month based on the asset adjustments; **[[See at least the “determining . . . a net adjustment” language in the “calculating” element of claim 16 of the patent and column 4, lines 55-67. As stated previously, the limitation of withdrawing more than six times during a month, can be found at least at column 1, lines 41-53 and column 2, lines 1-8.]]**

obtaining data for an amount of ~~receiving by one or more computers~~ interest from the second banking institution on funds held in said single insured money market deposit account; **[[See at least column 5, lines 15-30 of the ‘231 patent specification. The receiving step was changed to an “obtaining” step, to encompass both the situation where data on the interest amount and the interest are received, and also the situation**

where only the data for the interest amount is received, and the interest is provided via an indirect route.]]

determining a respective amount of interest owed to each of the respective client transaction accounts as a function of a total amount of funds of the client transaction account held in the single insured money market deposit account at the second banking institution; **[[For basis, see at least column 5, lines 15-30 of applicants' patent specification.]]**

distributing by crediting the client transaction accounts using the one or more computers the interest ~~from received on~~ said single insured money market deposit account to said client transaction accounts based on the respective amounts determined for the respective client transaction accounts; and **[[See at least the "distributing" limitation in claim 1 and column 5, lines 18-29 of the '231 patent and the "crediting or debiting" language at column 5, lines 31-33 of applicants' patent specification.]]**

updating by the one or more computers the database based on the ~~interest distributed to and~~ clients' deposits to and withdrawals from each of their transaction accounts. **[[See at least the "updating" step in claim 1, and column 5, lines 31-42 of the '231 patent. The reference to the interest updating has been deleted, as it is now encompassed by the "distributing" step. See column 5, lines 31-33.]]**

42. (New) The method of claim 41, wherein said transactions into or out of a client's transaction account include sweeps into or sweeps out of said account. **[[See at least claims 5 and 8 and 17 of the '231 patent.]]**

43. (New) The method of claim 41, further comprising calculating a corresponding return for each client transaction account having funds maintained in said single insured money market deposit account based on the return on the assets held in the single insured money market deposit account. **[[See at least claim 18 of the '231 patent.]]**

44. (New) The method of claim 43, wherein withdrawal transactions resulting in a negative net balance for a client's transaction account trigger a margin approval process for such account. **[[See at least claim 19 of the '231 patent.]]**

45. (New) The method of claim 41, further comprising calculating an aggregate transactional value for said client transaction accounts having funds held in said single insured money market deposit account over a selected period of time. **[[See at least the "calculating" step in claim 16 of the patent.]]**

46. (New) The method of Claim 41, wherein one or more asset-adjustment transfers and/or withdrawals from said single insured money market deposit account are requested in person. **[[See at least column 1, lines 53-58 of the '231 patent.]]**

47. (New) The method of Claim 41, wherein one or more asset-adjustment transfers and/or withdrawals from said single insured money market deposit account are requested by mail. **[[See at least column 1, lines 53-58 of the '231 patent.]]**

48. (New) The method of Claim 41, wherein one or more asset-adjustment transfers and/or withdrawals from said single insured money market deposit account are requested by messenger. **[[See at least column 1, lines 53-58 of the '231 patent.]]**

49. (New) The method of Claim 41, wherein one or more asset-adjustment transfers and/or withdrawals from said single insured money market deposit account are requested by telephone and distributed by mail. **[[See at least column 1, lines 53-58 of the '231 patent.]]**

50. (New) The method of Claim 41, wherein one or more asset-adjustment transfers and/or withdrawals from said single insured money market deposit account are requested by automated teller machine. **[[See at least column 1, lines 53-58 of the '231 patent.]]**

Cancel Claims 51-59

60. (New) A method for managing a plurality of transaction accounts via ~~in~~ a first banking institution for multiple clients whose funds are held in a single insured money market deposit account in a second banking institution to provide a return on assets held therein,

comprising: **[[See at least column 1, lines 5-8, column 2, lines 9-13 and claims 7 and 16 of the '231 patent.]]**

providing a database having client information for each of the plurality of the transaction accounts ~~in the first banking institution~~; **[[Same as the providing a database limitation in claim 1.]]**

administering by one or more computers clients' deposits to and withdrawals from each of their transaction accounts via in the first banking institution, the administering comprising processing, by the one or more computers, transaction data comprising data for each of more than six (6) withdrawals and/or transfers by check and/or debit card and/or ACH debit within a month from each of a plurality of said client transaction accounts, with the transaction data comprising a respective amount for each respective withdrawal and/or transfer; **[[The administering operation is in the patent claim 1, but the performance of this operation by one or more computers has been added, and the computer operation of processing more than 6 withdrawals from each of a plurality of client transaction accounts has been added. For basis in the specification for the computer operation, see at least column 2, line 51 – column 3, lines 1-9 in applicants' specification, and see also claims 4 and 7 of the patent. Regarding the "first banking institution," it is stated that in one embodiment the administrator that performs the various function of the process is a "bank." See column 2, lines 36-43. See also the earlier citations showing that the administrator bank is different from the deposit bank 145 holding the aggregated account. However, it is not required that the transaction accounts be held in the first banking institution. For basis for the more than 6 withdrawals processing, see at least column 1, lines 35-63, column 2, lines 1-8, column 3, lines 13-18, 23-28 and 38-63, of applicants' '231 patent specification.]]**

determining by the one or more computers a net transaction aggregated across all deposits to and withdrawals from said transaction accounts on a regular periodic basis, with each net transaction comprising a sum determined from the data of a plurality of clients' deposits and/or transfers to and/or withdrawals and/or transfers from a plurality of said respective client transaction accounts of a plurality of the clients; **[[See the "determining**

the net transaction” limitation in claim 1 of the ‘231 patent. For basis in the specification for performance of the step by one or more computers, see at least column 2, line 51 – column 3, line 9, and column 4, lines 17-20 in applicants’ specification. For basis for the additional language regarding the sum determined from the data of a plurality of clients’ deposits and/or transfers to and/or withdrawals and/or transfers, see at least at column 3, lines 13-67 and column 4, lines 17-20 of applicants’ patent specification.]]

sending information based on the net transaction to the second banking institution to execute a deposit or a withdrawal from the single insured money market deposit account; [[The basis for the added claim element may be found at least at column 4, lines 55-59 of applicants’ ‘231 patent specification.]]

withdrawing funds more than six (6) times during a month from said single insured money market deposit account in the second banking institution based on the information on the net transactions and transferring those funds via ~~to~~ the first banking institution; [[See at least the “using the determination of the net transaction” step in claim 1 of the ‘231 patent. As stated previously, the added limitation of withdrawing more than six times during a month, can be found at least at column 1, lines 41-53 and column 2, lines 1-8. The “second banking institution” comprises the bank holding the single insured money market deposit account, referenced in Fig. 2 as bank 145 and discussed at least at column 4, lines 29-67, and column 5, lines 15-30. The basis for the added claim element on “information” may be found at least at column 4, lines 55-59 of applicants’ patent specification. Regarding the “first banking institution,” it is stated that in one embodiment the administrator that performs the various functions of the process is a “bank.” See column 2, lines 36-43. See also the earlier citations showing that the administrator bank is different from the deposit bank 145 holding the aggregated account. The change from “to” to “via” is made, as the administrator is not limited to holding the client transaction accounts. See at least column 2, lines 45-48, column 5, lines 47-51.]]

receiving ~~by one or more computers~~ data on an amount of interest from the second banking institution on funds held in said single insured money market deposit account; **[[See column 5, lines 15-22 of the ‘231 patent. The “second banking institution” comprises the bank holding the single insured money market deposit account, referenced in Fig. 2 as bank 145 and discussed at least at column 4, lines 29-67, and column 5, lines 15-30. The deletion of the “one or more computers” element is because the specification does not limit this operation to performance by a computer.]]**

determining, via the one or more computers, a respective amount of interest owed to each of the respective client transaction accounts as a function of a total amount of funds of the client transaction account held in the single insured money market deposit account at the second banking institution; **[[For basis for the determining operation, see at least column 5, lines 15-30 of applicants’ patent specification. For basis in the specification for the computer operation, see at least column 2, line 51 – column 3, lines 1-9 in applicants’ specification, and see also claims 4 and 7 of the patent.]]**

distributing by crediting the client transaction accounts using the one or more computers, the interest ~~from received on~~ said single insured money market deposit account to said clients' transaction accounts in the first banking institution based on the respective amounts determined for the respective client transaction accounts; and **[[See at least the “distributing” limitation in claim 1 and column 5, lines 18-29 and the “crediting or debiting” language at column 5, lines 31-33 of the ‘231 patent. For basis for the added language on respective amounts, see at least column 5, lines 15-30 of applicants’ patent specification. For basis in the specification for the computer operation, see at least column 2, line 51 – column 3, lines 1-9 in applicants’ specification, and see also claims 4 and 7 of the patent. The deletion of “in the first banking institution” is made, as the administrator is not limited to holding the client transaction accounts. See at least column 2, lines 45-48, column 5, lines 47-51.]]**

updating by the one or more computers the database based on the ~~interest distributed to and~~ clients' deposits to and withdrawals from each of their transaction accounts. **[[See at least the “updating” step in claim 1 and column 5, lines 31-42 of the ‘231 patent. The**

reference to the interest updating has been deleted, as it is now encompassed by the “distributing” step. See column 5, lines 31-33. For basis in the specification for the computer operation, see at least column 2, line 51 – column 3, lines 1-9 in applicants’ specification, and see also claims 4 and 7 of the patent.]]

61. (New) The method of claim 60, wherein withdrawals are made by at least one method selected from the group consisting of drafts (checks), credit card, debit card, sweeps, electronic transfer, and combinations thereof. **[[See at least claim 2 of the ‘231 patent.]]**

62. (New) The method of claim 60, wherein deposits are made by at least one method selected from the group consisting of drafts (checks), sweeps, electronic transfers, and combinations thereof. **[[See at least claim 3 of the ‘231 patent.]]**

63. (New) The method of claim 60, further comprising authorizing or rejecting the use of funds in a particular client's transaction account for each transaction payment requested from that client's transaction account. **[[See at least the “authorizing or rejecting” step in claim 1 of the ‘231 patent.]]**

64. (New) The method of Claim 60, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested in person. **[[See at least column 1, lines 53-58 of the ‘231 patent.]]**

65. (New) The method of Claim 60, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested by mail. **[[See at least column 1, lines 53-58 of the ‘231 patent.]]**

66. (New) The method of Claim 60, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested by messenger. **[[See at least column 1, lines 53-58 of the ‘231 patent.]]**

67. (New) The method of Claim 60, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested by telephone and distributed by mail. **[[See at least column 1, lines 53-58 of the ‘231 patent.]]**

68. (New) The method of Claim 60, wherein one or more of the transfers and/or withdrawals from said single insured money market deposit account are requested by automated teller machine. **[[See at least column 1, lines 53-58 of the '231 patent.]]**

Cancel Claims 69-82

83. (New) The method of claim 32, wherein for the step of determining a net transaction is ~~made~~ by aggregating across all transaction account deposits and withdrawals, ~~wherein one or more of~~ the withdrawals are made by at least a debit card. **[[See at least the Abstract, column 1, line 37, column 2, line 49, column 3, lines 26-27, and claims 2, 5, 8.]]**

Cancel Claims 84-85

86. (New) The method of claim 60, wherein for the step of the determining a net transaction aggregated across all transaction account deposits and withdrawals, ~~wherein one or more of~~ the withdrawals are made by at least a debit card. **[[See at least the Abstract, column 1, line 37, column 2, line 49, column 3, lines 26-27, and claims 2, 5, 8.]]**

Cancel Claims 87-88

ASSIGNEE CONSENT:

The examiner noted that a consent from each assignee owning an undivided interest in the reissue application must provide a written consent to the Reissue Declaration. The signed consent is attached hereto.

REJECTION UNDER 35 USC 251 AND RESPONSE:

Claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 251 as having a defective reissue oath/declaration.

To obviate this rejection, a further Supplemental Declaration signed by the inventors is attached that includes such an error listing with a specific references to the claims and claim limitations. Accordingly, it is requested that the rejection be reconsidered and withdrawn.

Although the examiner in continuation-in-part applications 09/677,535; and 11/932,762 has stated in an Interview Summary dated October 28, 2009, that notices of allowance will be issued in these cases, and the examiner in continuation-in-part application 11/149,278 has issued a Notice of Allowance, the examiner should be aware that rejections were earlier made on these cases. The examiner in serial number 11/149,278, with claims to a different subsequent product using multiple money market deposit accounts in multiple different banks, which case is a divisional of a continuation-in-part to the present application, made a request for information in her Rejection of 08/08/09. The examiner in that case also rejected claims on this different product under 35 USC 112, under 35 USC 102 as based on a public use or sale, citing an advertisement from the October 1997 MUTUAL FUNDS magazine that was received by libraries in September 1997, under 35 USC 103 as being unpatentable over Hagan (US 5,291,398), in view of Official Notice, and further in view of Oncken (US 4,985,833), and under 35 USC 103 as being unpatentable over Hagan, in view of Official Notice, in view of Oncken, and further in view of Lowery (US 6,189,785). These examiner reasoning for these rejections and the reasons why they do not make out a prima facie case may be found by reviewing the 11/149,278 file. The examiner should be aware that application serial number 09/677,535, which is a continuation-in-part of this case, with claims to a different subsequent product using multiple money market deposit accounts in multiple different banks, received a rejection under 35 USC 103 as obvious over Merrill Lynch, CMA Insured Savings Account Fact Sheet, in view of the 1983 Federal Reserve Zaitzeff letter, and further in view of a 1988 Federal Reserve Schwartz letter. A similar rejection based on the same art was filed by the same examiner in a divisional of a continuation-in-part to 11/932,762. See also serial numbers 10/305,439, 11/840,052, and 11/840,060, which claim some elements that are the same as the present case and were rejected also over Merrill Lynch, CMA Insured Savings Account Fact Sheet, in view of the 1983 Federal Reserve Zaitzeff letter, and further in view of a 1988 Federal Reserve Schwartz letter. The examiner reasoning for these rejections and the reasons why they do not make out a prima facie case may be found by reviewing the respective files.

The examiner should be aware that the following co-pending patent applications disclosed in an IDS relate to similar kinds of products, although the claims are clearly patentably distinct. The most recent action for these applications is listed.

The most recent action for the co-pending applications is listed.

10/825,440 filed 04-14-04 (8/11/09 Office Action rejection) (Present Case)

09/677,535 filed 10-02-00 (07/22/08 Notice of Allowance – Proposed amendment filing – Petition to Withdraw to file IDS and Amendment – Dismissal of Petition – Petition Renewed – Petition granted—6/24/09 Office action with Rejection received.)

10/071,053 filed 02-08-02 (Issued as U.S. Patent No. 7,519,551)

10/305,439 filed 11-26-02 (Notice of Allowance 05/28/09—RCE plus amendment filed – Non Final Rejection 09/16/09)

11/149,278 filed 06-10-05 (Notice of Allowance received.)

10/382,946 filed 03-06-03 (Issued as U.S. Patent No. 7,536,350)

10/411,650 filed 04-11-03 (Issued as U.S. Patent No. 7,509,286)

11/641,046 filed 12-19-06 (02/19/09 Office Action with rejection—Response filed)

11/689,247 filed 03-21-07 (Notice of Allowance Received)

11/767,827 filed 06-25-07 (Notice of Allowance Received)

11/767,837 filed 06-25-07 (Notice of Allowance Received)

11/767,846 filed 06-26-07 (Notice of Allowance Received)

11/767,856 filed 06-25-07 (Notice of Allowance received)

11/840,064 filed 08-16-07 (10/15/08 Office Action with rejection—abandonment notice)

11/840,060 filed 08-16-07 (4/29/09 Office Action with rejection—Response filed)

11/840,052 filed 08-16-07 (4/29/09 Office Action with rejection---Response filed)

11/932,762 filed 10-31-07 (Office Action Rejection 09/15/09.)

12/271,705 filed 11-14-08 (03/20/09 – (Notice of Allowance Received)

12/025,402 filed 02-04-08

12/340,026 filed 12-19-08

12/408,507 filed 03-20-09

12/408,511 filed 03-20-09

12/408,523 filed 03-20-09

12/453,387 filed 05-08-09

12/453,388 filed 05-08-09

12/453,389 filed 05-08-09

12/453,390 filed 05-08-09

The examiner is directed to review the file of these other co-pending applications as he/she deems appropriate, to determine the reasoning and references applied in the current and/or prior office actions, as well as applicants' responses thereto.

The present application is now in condition for allowance.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any deficiency or credit any over-payment to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 12/7/09

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

By 

William T. Ellis
Attorney for Applicant
Registration No. 26,874